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**PATENT**

Atty. Docket No.  
ARC 3079 R1

J&J Ref. AR03079NP &  
AL03079USANP

Date: 2/17, 2005 By: Nadine Tono  
Nadine Tono

CN 27777

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Yuanpeng ZHANG et al.

Serial No.: 10/814,703

Filed: March 30, 2004

For: **LIPID PARTICLES HAVING  
ASYMMETRIC LIPID COATING AND  
METHOD OF PREPARING SAME**

Group Art Unit: 1636

Examiner: GARVEY, T.

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop: AMENDMENT  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56 and in accordance with 37 C.F.R. §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. § 1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under § 1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  
☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e) (attached); or

☒ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application

has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750.

Respectfully submitted,

Judy M. Mohr 1/17/05  
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Enclosed:

1. Foreign Patent & Non-Patent References AN-AX (11 references)

Substitute for form 1449A-PTO  <b>INFORMATION DISCLOSURE  STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 2	<b>Application Number</b>	10/814,703
	<b>Filing Date</b>	March 30, 2004
	<b>First Named Inventor</b>	Yuanpeng ZHANG
	<b>Group Art Unit</b>	1636
	<b>Examiner Name</b>	GARVEY, Tara L.
	<b>Attorney Docket Number</b>	ARC 3079 R1

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
	AA	4,394,448		SZOKA Jr. et al.	07/19/1983	
	AB	5,013,556		WOODLE et al.	05/07/1991	
	AC	5,283,185		EPAND et al.	02/01/1994	
	AD	5,395,619		ZALIPSKY et al.	03/07/1995	
	AE	5,416,203		LETSINGER et al.	05/16/1995	
	AF	5,851,818		HUANG et al.	12/22/1998	
	AG	5,891,468		MARTIN et al.	04/06/1999	
	AH	5,972,600		SZOKA Jr. et al.	10/26/1999	
	AI	6,056,973		ALLEN et al.	05/02/2000	
	AJ	6,180,134		ZALIPSKY et al.	01/30/2001	
	AK	6,210,707		PAPAHADJOPOULOS et al.	04/03/2001	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
	AL	WO	95/27478	A1	The Liposome Company Inc.	10/19/1995		
	AM	WO	97/07784	A2	University of Texas	03/06/1997		
	AN	WO	98/51278	A2	INEX Pharmaceuticals Corp.	11/19/1998		
	AO	WO	02/43769	A2	Aventis Pharmaceutical Products	06/06/2002		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A-PTO		Application Number		10/814,703
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 2 of 2		Filing Date		March 30, 2004
		First Named Inventor		Yuanpeng ZHANG
		Group Art Unit		1636
		Examiner Name		GARVEY, Tara L.
		Attorney Docket Number		ARC 3079 R1
<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>				
Examiner's Initials <sup>1</sup>	Cite No. <sup>2</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published		T <sup>2</sup>
	AP	FELGNER et al., <u>Proc. Natl. Acad Sci USA</u> , 84(21):7413-7417, November 1987. "Lipofection: a highly efficient, lipid-mediated DNA-transfection procedure"		
	AQ	GERSHON, H. et al., <u>Biochemistry</u> , 32(28):7143-7151, July 20, 1993. "Mode of formation and structural features of DNA-cationic liposome complexes used for transfection"		
	AR	GUO, L., et al., <u>Journal of Liposome Research</u> , 3(1):51-70, 1993.		
	AS	MALONE, R.W., et al., <u>Proc. Natl. Acad Sci USA</u> , 86:6077-6081, August 1989. "Cationic liposome-mediated RNA transfection"		
	AT	STRAUBINGER & PAPAHAJOPULOS, <u>Methods of Enzymology</u> , 101:512-527, 1983. "Liposomes as carriers for intracellular delivery of nucleic acids"		
	AU	SZOKA Jr., Francis., et al., <u>Ann Rev Biophys. Bioeng.</u> , 9:467, 1980.		
	AV	ZELPHATI, O. et al., <u>Proc. Natl. Acad Sci USA</u> , 93(21):11493-8, October 15, 1996. Mechanism of oligonucleotide release from cationic liposomes		

Examiner Signature	Date Considered
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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SUBMISSION UNDER MPEP 609 D  Page 1 of 1	Application Number	10/814,703
	Filing Date	March 30, 2004
	First Named Inventor	Yuanpeng ZHANG
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#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
			Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>		

#### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner 's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		PCT Search Report dated September 27, 2004, for corresponding patent application no. PCT/US2004/009809	

Examiner Signature		Date Considered	
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